

TRULINCS '07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
OCT 15 2018

FROM: 07480408

TO:

SUBJECT: Kenner 13-cr-607 (JFB)

DATE: 10/11/2018 11:55:47 AM

★ OCT 15 2018 ★  
LONG ISLAND OFFICE

October 11, 2018

The Honorable Judge Bianco:

Your Honor, I have been left without answers since our October 1, 2018 hearing. The following are the open issues.

First -- I have not received an answer from the government or the MDC facility about regaining access to my computer along with my "legal" papers in order to facilitate my ongoing case work. I continue to be restricted from bringing my "legal" work to the designated area in another building where they store my computer (under lock-n-key) and require I access it.

Second -- I addressed this in a letter to the Court on August 9, 2018. I have not received the stipulation from the government you instructed them to send me during the August 1, 2018 hearing about the Diamante Cabo appraisal. I requested the Court intervene as to why Jowdy has any "standing" in the case to demand as a defendant, non-party to the instant action any relief thru confidentiality and/or why after 2,000,000 exposed documents (including 1000s of Jowdy's own banking records -- confirming his decade plus of tens of millions of embezzlements from me and my investors) -- the government is now teaming up with Jowdy and his attorneys to demand confidentiality of an appraisal I am entitled to as a shareholder of Diamante Cabo? Can I please request some resolve on the matters?

Third -- I have been forced to file additional "complaints" (BP-8 and BP-9 forms) with MDC at the recommendation of several "helpful" officers and staff who have directly told me that the retaliation towards me and the restriction to work on my case will continue indefinitely "until your judge orders them to allow you access". Several have offered to testify "for me" and the "situations of abuse" -- if Your Honor needs to hear it. The "helpful" staff have repeated their "sorry(s)" to me -- and encouraged me not to give up demanding access -- commenting that this is "the worst" directed abuse they have ever seen.

Fourth -- and since my last appearance in your Courtroom -- I have been forced to file additional complaints with the MDC food service -- because they have failed to deliver my "kosher" meals on three (3) separate occasions and refused to rectify the situation. I was actually told to wait until the next meal to eat. One officer actually asked -- "why do you need it -- how many meals do they feed YOU each day?". There was no appropriate retort -- so I left further frustrated and continue to experience higher stress and anxiety levels than ever before. I reported these symptoms to the Psychology department who offered me a book to read -- after they informed me that they cannot do anything about the denigration, food problems and/or legal restrictions. I asked to speak to the Officer Internal Affairs (SIA) personnel (as instructed by several officers to request) -- but they said SIA is not interested in helping me.

Fifth -- and since I informed the Court on October 1, 2018 -- I have not received any additional replies and/or assistance from Mr. Siegel. I am certain he wants nothing to do with my case, which I am comfortable with. I know why and can discuss it in front of the Court (but not in this public letter). His obstruction to receive the information/evidence/due diligence in the letters I shared with you October 1, 2018 have been ongoing issues for many years (thru Haley and Pittell as well -- as the letters and emails confirm). Can I please have an administrative attorney who can help -- so it does not restrict my paralegal from completing his work for me as well -- thru CJA? I had submitted a letter to Your Honor last week to address this issue in particular (with an additional copy attached).

Even when I am allowed to work on my case (prior to these incidents) -- the access was routinely restrictive. Now -- I am stressed out that I will not be granted any further access without resolve to defend myself and cannot sleep.

Thank you for your immediate attention to these matters and SEALING any portion of this letter that should not be on ECF (for the public).

I remain -- respectfully yours,

Phil Kenner



RECEIVED

OCT 12 2018

EDNY PRO SE OFFICE

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

COPY OF PREVIOUS  
SUBMISSION

FROM: 07480408  
TO:  
SUBJECT: Kenner 13-cr-607 (JFB)  
DATE: 10/04/2018 07:56:00 PM

October 4, 2018

The Honorable Judge Bianco:

Your Honor, I am writing to follow-up regarding a few items from the Monday (October 1) Court hearing -- and one left unaddressed.

First -- and preferably under seal to protect the MDC individuals names (good and bad) -- I have had additional restrictions since Monday. I had a paralegal meeting on Tuesday (October 2). I was not allowed to bring my legal materials to the work area to review the government docs and case law materials I had printed from LEXIS NEXIS. I was told that I could only meet with the paralegal in the regular visit room. I had conducted about 8 previous meetings with the paralegal in the East VR (work area) with all of my legal briefs, notes and my computer present before this week. I was told by two different Lieutenants and a few officers that "what they are doing to you [me] is wrong and you [I] have to write them up or it will never end". It is very disheartening.

I have attached an additional complaint that I was instructed by some other helpful Lieutenant's and other officers (including the Psychology department) to file against the facility (See September 30, 2018 letter). In addition, today (October 4th) -- I was called by my Unit Team and told to send another complaint form and heighten the mistreatment complaint about being forced to "piss myself" under restricted bathroom access, mistreatment, etc (See September 17 and 18 letters -- attached). I was told by staff that MDC would not be addressing the mistreatment and intimidation tactics with the specifically named officers because "they just don't care". Each time I receive this helpful advice -- it is followed by the retort that they are "sorry" for the actions of the "other officers".

In each conversation with the staff (who has been proactive and attempted to help) -- they told me that you (Your Honor) would have to issue a SPECIFIC Court order to make anything happen at MDC otherwise the interpretation of any agreement to assist me (without a Court order) will be ignored by the Legal Department and others (as is happening now -- like not allowing my water -- bathroom -- and food breaks while working 6-8 hours in a day "because it is not on the actual Court order").

Second (under seal requested) -- I am requesting another 100 hours for my paralegal (Richard Fiske) to continue providing assistance for me. My stand-by counsel has continued to ignore my requests (except a few inane ones). As such -- I am continuing to do everything with the paralegal (who has been extremely cooperative, helpful and responsive). The stand-by counsel is only needed for submitting CJA forms -- and I believe has been trying to stop my requests and efforts (still as stand-by). I am not sure what to do about this -- as I know that he did not want to continue on my case after the Faretta hearing.

Third (not necessary for sealing) -- I submitted a letter to the Court (dated August 9, 2018). I requested the Court to review why Jowdy (a non-party to the instant case) was granted interest in the government's custody of the Diamante Cabo appraisal from 2016 to the point that they requested I sign a confidentiality stipulation "for him". To that point, I am not sure if the Court received the letter from me. Nonetheless -- I never received a copy of the stipulation from the government discussed in the August 1, 2018 hearing. Thus -- I could not sign it anyhow.

Again, I apologize for these items from MDC -- but i have talked with every possible person of influence and filed the appropriate complaint forms as instructed. I have been met with only more mistreatment and retaliation as a result. Thank you for your intervention and assistance in these matters. I anxiously await your response on Jowdy's "standing" and the stipulation.

I remain, respectfully yours,

Phil Kenner



RECEIVED

OCT 12 2018

EDNY PRO SE OFFICE

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

EX PARTE

FROM: 07480408  
TO: AW Custody  
SUBJECT: \*\*\*Request to Staff\*\*\* KENNER, PHILLIP, Reg# 07480408, BRO-J-A  
DATE: 10/09/2018 12:14:20 PM

To: legal issues  
Inmate Work Assignment: none

AW --

I am writing to make sure you are aware of some unfortunate issues that have arisen (again) in the last month or so.

Under Court order -- I have been allowed to work on my legal case in the East VR (which is where MDC chose to put me to work -- not my choice) on a daily basis with my computer. There have been too many "little" issues that have come up over the last 3 1/2 years that STOP me from working from time to time -- and sometimes for weeks at a time (as retaliation). I have done my best to work thru those issues without raising too much attention to them -- as possible. Nonetheless -- since just prior to the quarter change -- there were a few officers in the East VR on a Sunday who verbally abused me (CO Walker and CO Granville). This is a repeated issue with some of them -- as they attempt to intimidate me from coming to work on my ProSe representation in the East VR. I assume you understand that "ProSe" means I represent myself -- and as such -- I am the ONLY person who reviews 100% of my case evidence and files motions in my case to the Court to defend me. On the quarter change -- another CO (Robinson) replaced officer Johnson who had zero issues with me and my daily work during the entire quarter. PLEASE CHECK ON THIS. Sarcastically -- he wished me "good luck" at the end of the quarter knowing that one of the prior officers who had attempted to intimidate me (Robinson) was returning for the quarter. On day one of the new staff quarter -- the issues started with my medical ability to drink tap water with a brown cup from the facility. Instead -- I am now relegated to "slurp" out of the sink like a dog when I need to drink during my 6-8 hours of work. I was also forced to "piss myself" when not allowed by the officer (Robinson) to go to the bathroom. Then -- I was forced to wait until staff could return me to my unit to wash myself -- resulting in a rash. I have been forced to piss myself by two other officers (Medina and Moore) previously -- and as such -- I requested diapers from the medical staff. I was not granted the diapers as a solution. When I addressed the "pissing issue" the next time I was transported to the East VR (after a few day delay) -- I was instructed to "NOT DRINK WATER BEFORE I COME OVER TO WORK" -- because then I "WOULD NOT HAVE TO GO TO THE BATHROOM".

I was instructed by multiple COs and Lieutenants whom I spoke with to write up the incidents on BP-8 forms if I wanted some resolve. As a result of the filed BP-8 (which went unanswered -- and thus I was instructed by my unit team to file a BP-9 [submitted today]) -- I was told a week ago Sunday (September 30th) by the East VR CO that I am "no longer" allowed to bring my "legal papers and materials" to and from the East VR where I am relegated to exclusively work on my computer and motions due to the Court. I filed a new BP-8 today -- as instructed by my unit team and other officers (stating it was outrageous).

I spoke to my judge the following day (October 1 -- in Court). He was astonished by the 6th Amendment -- Due Process issue. He instructed the government attorneys to contact MDC immediately and get me back to work on my case with full access to all of my legal documents and case materials. It has been over a week since that date -- which I assumed would be a simple solution to return me to the East VR under the same protocols as had gone without an incident for the last 3 1/2 years (since May 2015).

I have no incidents in all of my time in MDC. You can speak with CO Burner (retired) and CO Brewer who have witnessed the outrageous denigrating behaviors towards me and who have encouraged me to "bite my lip" and "file reports on the offending officers".

Sadly -- I have been told by over a dozen other officers that "no one at MDC cares" and "the abuses will continue unchecked" against me. I am asking for your assistance -- or that of the Warden to repair the situation -- so I can continue and finish my work in the next 6 months and finally depart MDC. I know that the facility prefers inmates who sit mesmerized by the free TV recidivism program. I am sure when I leave -- I can be replaced by one of those type of inmates.

Thanks for your immediate attention. Phil Kenner

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

*EX PARTE*

FROM: 07480408  
TO: Fiske, Rich; Siegel, Jesse  
SUBJECT: stuff...  
DATE: 10/08/2018 01:17:26 PM

Jesse -- I have not heard back from you in a while -- so please update me about --

- 1) the AZ court docs that Richard found --
- 2) the printouts (of the jowdy frauds) --
- 3) the hearing minutes (transcripts) discussed AGAIN with the judge in court last week (which he agreed with me getting all of them) --
- 4) the Constantine trial and forfeiture exhibits --
- 5) the government trial and forfeiture exhibits --
- 6) an answer from the court about the Diamante appraisal (without jowdy having standing in the instant case to request a confidentiality agreement -- addressed in my august 9 letter to the court -- but not responded??)...etc...

In fact -- has the August 9 letter (2 months ago) even been posted on ECF?? PLEASE ADVISE ASAP...

I have a fight in here to even work on my case with my legal paperwork in hand -- so many things are NOT RIGHT at the moment. the jail STOPPED my daily work with my materials as punishment for me writing the officers up who have been abusing me (making me piss myself without bathroom breaks and verbal abuse). The retaliation is a joke -- so i told Bianco last week (Monday). Unfortunately -- the jail has not told me their NEW SOLUTION to replace what worked fine for the last 3 1/2 years for over a week now -- as ordered by Bianco.

Please get the other info i have been waiting on in the meantime...so i am not further delayed...pk

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

*Ex parte*

---

FROM: 07480408  
TO: Fiske, Rich; Siegel, Jesse  
SUBJECT: STUFF...ETC...  
DATE: 10/03/2018 12:40:24 PM

I was in court Monday and the judge wanted to make sure i received all of the transcripts/minutes we discussed. Please make sure Richard has the resources and support from you to get them to me soon. thanks -- pk

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

*EX PARTE*

---

FROM: 07480408  
TO: Fiske, Rich; Siegel, Jesse  
SUBJECT: stuff...  
DATE: 10/03/2018 06:21:04 PM

I still need the Constantine exhibits from trial and forfeiture. I still need the government exhibits for the same. I still need the AZ docs (that Richard got)...PLEASE -- thanks -- pk

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-J-A

*EX PARTE*

---

FROM: 07480408  
TO: Food Service  
SUBJECT: \*\*\*Request to Staff\*\*\* KENNER, PHILLIP, Reg# 07480408, BRO-J-A  
DATE: 10/11/2018 11:30:31 AM

To: CRC breakfast  
Inmate Work Assignment: none

...by the way -- today (Thursday -- 10-11) was the third (3rd) day. Thanks -- pk  
-----KENNER, PHILLIP A on 10/11/2018 11:29 AM wrote:

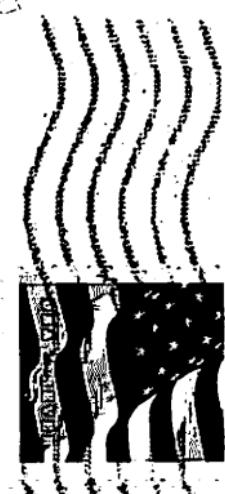
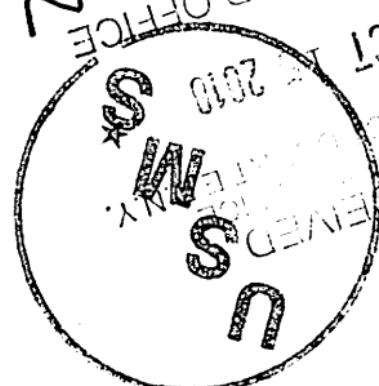
>

In the last two weeks -- unit 71 has been short my CRC-kosher breakfast three (3) times. I have notified the morning officer and asked them to call the 3rd floor kitchen to have the breakfast sent to the unit. They claimed that they called the kitchen for the breakfast, but it has not been delivered any of the three (3) times. I spoke to someone (officer) from the kitchen staff earlier this week about it in the afternoon. They informed me that they would send a breakfast OR an additional dinner entree up to make up for the missed meal that evening. Nothing arrived in the evening and the unit officer was NOT interested in making a call. I can only ask one (1) time before i am asked to "back off". Please look into the issues surrounding the non-delivery of breakfasts for me. Thanks -- pk

Philip Kenner 07480108  
Metropolitan Detention Center  
Box 329002  
Brooklyn NY 11232

12 OCT 2018 FAX 131  
NEW YORK NY 10004

The Honorable Judge Bianco  
US District Court - EDNY  
100 Federal Plaza  
Central Islip NY 11722



11722-443800